Supreme Court Opinion Regarding Rate of Interest.

THOSE ISSUED FOR LABOR

ON PUBLIC WORKS CARRY 8% INTEREST.

Those Issued For Other Purposes Draw But 5% From the Date the Validation Act Took Effect-Attorney Williams Sues For a \$2,000 Fee-Court Notes.

The supreme court yesterday handed down an important opinion relative to on before a jury in Judge Cherry's the payment of interest on county warrants issued in excess of the debt limit in 1894, and which was legalized by a subsequent act of the legislature to tribunal and decides that warrants in controlation and decides that warrants in controlation. the payment of interest on county The court reverses the lower tribunal and decides that warrants in controversy issued for labor on public works aust be paid with 8 per cent interest from date of registration, while warrants issued for any other purpose only draw 5 per cent interest from the date when the validation act took effect—June 5, 1898.

The case was that of Ellsworth Daggett vs. Stephen H. Lynch, treasurer

The case was that of Ellsworth Daggett vs. Stephen H. Lynch, treasurer of Sail Lake county. Daggett is the holder of a large number of watrants which were issued in excess of the debt limit, therefore void, but were subsequently validated by law. The warrants were presented for payment and the treasurer offered to pay the principal, with interest at the rate of 5 percent only from June 5, 1896, the date upon which the validation act took effect. This was refused and suit was brought on two warrants, one for 8, issued Dec. 10, 1896, for the benefit of paupers and insane persons, and the

brought on two warrants, ope for \$\(\) issued Dec. 10, 1894, for the benefit of paupers and insane persons, and the other on Dec. 17, 1894, for \$25, in payment for road work, Daggett contended for interest on both at the rafe of \$\(\) per cent from the date on which they were presented to the treasurer for the validation act. the court says: "This act validated such warrants only so far as they were void in consequence of having been contracted in excess of the debt limit. The proviso is that the county or any taxpayer is not prohibited from defending against any such warrant upon any other ground than that the debt was contracted or that the warrant was issued in excess of the debt limit."

The warrant was issued in excess of the debt limit."

The warrant was issued in excess of the debt limit."

The warrant was issued in excess of the debt limit."

The warrant was issued to pay for labor on the road in pursuance of a legislative act authorizing the same to be issued and providing an interest rate of 8 per cent, the warrants to be recemble within two years. So much of the warrants as provided for the payment of interest was not void, the court says, because there was no law authorizing such a provision. The

court says, because there was no law

of the warrants as provided for the payment of interest was not vold, the court says, because there was no law authorizing such a provision. The promise to pay the interest was vold for the same reason that the promise to pay principal was solely because the warrant had been issued in excess of the debt limit, and so far as the warrant was vold for that reason the act of March 25 validated it. An act of a county vold for want of authority may be validated by the legislature if it had the power before the vold act was done to authorize it.

PAUPER WARRANT DIFFERENT.

"But a different question is raised," says the court, "upon the other warrant, bearing date of Dec. 10, 1834, so far as it provides for the payment of interest. This warrant was issued upon indebtedness incurred for the care and support of paupers and insane persons, and there was no statute of the territory authorizing the county to pay interest on such indebtedness, or to issue warrants therefor drawing interest. "If the warrant was void because it was issued in excess of the debt limit, and so much of it as provided for the payment of interest was also void because it was issued authorizing a contract to pay interest. the act of March 25, 1896, validated it so far as it was void because it was issued authorizing a contract to pay interest. The act of March 25, 1896, validated it so far as it was void because it was validated as to the principal, but not so far as it was void because it was validated as to the principal, but not so far as it was void because it was validated as to the principal, but not so far as it was void because it was validated as to the principal, but not so far as it was void because it was validated as to the principal, but not so far as it was void because it averaged to the payment of interest without authority of law. In that case it was validated as to the principal, but not so far as it was void because it averaged to the payment of interest without authority of law. In that case it was validated as to the principal, not as to interest. This brings us to the question, was the county author-ized to pay interest on such indebted-ness as this without a statute author-izing it, or to issue warrants upon such indebtedness drawing interest.

"Public corporations, like private ones, can only exercise such powers as are expressly conferred, and such as are necessary to their exercise, and therefore incident to them. There was no teritorial law prior to statchood expressly authorizing the county court to pay interest on county indebtedness if the class for which the warrant of Dec. 10 was issued, or to issue warrants therefore drawing interest."

LEGISLATIVE AUTHORITY

LEGISLATIVE AUTHORITY. After discussing the matter at some

length the court continues: "Experience and observation in the past discloses the evils and dangers of past discusses the evis and dangers of entrusting county boards with the general power to issue interest bear-ing warrants. Some of the counties and cities of the late territory have been greatly embarrassed and injured by the exercise of such power. Such discretion holds out the temptation to discretion holds out the temptation to create needless debts and make extravagant expenditures and affords opportunities and facilities for fraud. In view of such considerations we are disposed to assume that the territorial legislature intentionally refused to confer such power on the counties. For such reason we hold that the county court of Salt Lake county was not authorized to issue warrants bearing interest without express legislative power to do so. While this question has not been before this court or the supreme court of the late territory it. has not been betofe this cont of the supreme court of the late territory it has been decided by the highest courts of other states, and we must admit there is an irreconcilable conflict in those decisions; but in the light of experience and observation and in view of the welfare of the people of the various counties and of the reasons stated we are disposed to follow those authorities which hold that counties have no authority to incur indebtedness bearing interest, or to issue interest bearing warrants without express

have no authority to incur indeptendents and the place of such family or for any bearing interest, or to issue interest bearing warrants without express legislative authority."

The court then sums up the law and decides that in view of the fact that the county court had no authority to issue interest-bearing warrants for any other number of such member of such member of any limit the book by the agent selling it, in the place designated. They will be honored for transportation by the conductors of all trains, including limited interest-bearing warrants for any other number of such member of such me legislative authority."

The court then sums up the law and decides that in view of the fact that the county court had no authority to issue interest-bearing warrants for any other purpose than road work, as specially provided for, interest on such warrants is only to be paid at the rate of 5 per cent from June 5, 1896, on which date the validation act went into effect.

With relation to warrants of this detach the proper mileage and issue a

with relation to warrants of this class issued for road work the court decides that inasmuch as there was a special legislative provision for interest at the rate of 8 per cent, this interest is payable from the date on which the warrants were registered.

The lower court held that all warrants draw interest at the rate of 8 per cent, this interest is payable from the date on which the warrants were registered.

The lower court held that all warrants draw interest at the rate of 8 per cent. rants draw interest at the rate of 8 per cent from date of registration.

Short Orders.

The following orders were entered by Judge Cherry yesterday:
E. M. Itadeliff vs. C. H. Hardy; leave given to smend complaint.
William Webb et al. vs. Thomas Mulloy et all: action diamissed, having been settled out of court.
Dominick P. Benson et al. vs. Salt Lake county; stricken from calendar with leave to reinstate.

Sues For His Fee.
The case of Attorney James A. Will-Main street.

The case of Attorney James A. Will- Main street.

iams against Martha A. Coombs was

Court Notes. Walter Griffith yesterday withdrew

his answer in the divorce proceedings filed against him by his wife, Ann Griffith, and so it is presumed the lady will now secure her decree without dif-

Opened By High School and All Hallows College.

FORMER WON THE GAME

THE SCORE STOOD SEVENTEEN

It Was a Well Contested Game and Both the Teams Give Promise of Good Work During the Season-Quite a Number of Visitors Were

d	
ł	The football season was ushered in yes-
1	terday by a very good game on the Fort
ı	Douglas grounds between the High school
ı	
Į	and All Hallows college. Three hundred
ĵ	or four hundred spectators were present
	and the result was a victory for the High
	school, the score standing 17 to 6. The
	line-up was as follows:
Į	High School. Positions. All Hallows.
	Johnson Left End Burke
ł	Tarpey, D Left Tackle Ryan
Ī	Trent Left GuardJones
1	Worthen Center Cotter

Right Guard Powers
Right Tacsle Allen
Right End Tallon
Quarterback Nevin
Left Half Harrington
Right Half Fanning
Full Back .T. J. Fanning Captain.

A. Augustus of the Y. M. C. A. was umpfre, Malcolm Glendinning of Yale ted as referee and Chris B. Dichl and W. Thayer served as lineamen.

OBSERVATIONS ON THE PLAY. Neither side took advantage of kicking when it was the third down and there remained several yards yet to gain. The gain made by this is obvious. It is much better to surrender the thall 20 or 40 yards nearer your opponents' goal than to run the risk of making the necessary distance on the last down.

Woolley and J. H. Hardy.

LOCAL PRODUCE MARKET.

Figures at Which the Necessities of Life Are Retailing.

The markets of Salt Lake are well supplied just now with all the necessity was far superior to that of the college. Their backs got away quickly and protected the runner well. Every man appeared to understand his position in each played a magnificent game. His tackling was hard, low and sure. Very few gains were made around his end; in fact, the ties and luxuries of life, the stores and stands being loaded to overflowing with

ir funner was generally thrown back with a loss. The other two ends were evenly matched.

Tarpey, left tackie, was doubtless the star of the High school team. When a gain was needed, Tarpey, if called upon, would make it. He also got the ball several times on fumbles. The cenier men on both sides were evenly matched.

All Hallows' stronghold was belind the line. Her backs were heavy and hard to stop, but they lacked interference. Too much reliance was piaced in their inflividual strength.

All the long runs were made on tricks. Howell made several brilliant runs of 30 or 40 yards on the criss-cross. Jil Hallows worked the triple pass for 50 yards. After meeting with such success with a play, one would suppose that the play would be again attempted. For some unknown reason they falled to try the trick again.

Fanning, capitain of All Hallows, had his team under perfect control. There was no "kicking" on their part ugainst the decisions of the officials. The High school, on the contrary, induiged in any amount of 'kicking."

Considering the terrible condition of the field, the earliness of the season and the condition of the men, the same was very creditable.

If the college perfects her signals and

standard, 50 cents per quart; standard, 50 cents per quart; canned, 55 cents. Crabs, 25 cents each; shrimps, 20 cents per quart; prawns, 50 cents per pound; crawfish, 15 cents per pound; castern lobsters, 30 cents per pound; shell oysters, 25, 40 and 50 cents per dozen.

condition of the men, the game was very creditable.

If the college perfects her signals and interference, the next game will be a battle royal, and it will be difficult to pick the winner. It was the High school's fine team play and splendid interference that won them the game.

the winner. It was the High school spread proposed by the section of the class per loop pounds; four, bakers No. 1, \$1.50 per 100 pounds; flour, bakers No. 1, \$1.50 per 100 pounds; flour No. 100 pounds; flour, bakers No. 1, \$1.50 per 100 pound; cheese, it is the pound; flour, bakers No. 1, \$1.50 per 100 pounds; flour, bakers THE GAME.

are available for passage on the main line of the New York Central, and of all its branches and divisions, includ-ing the Harlem, Putnam, Rome, Water-town & Ogdensburg, Carthage & Adi-

rondack, Geneva & Lyons and the Adi-rondack (Utica to Montreal) divisions Mileage books will be issued in the

Mileage books will be issued in the name of the head of a family or firm, and will be available for the use of any member of such family or for any

DO YOU KNOW

SECOND HALF.

It was 5:25 o'clock when the second half was called, and the bull was promptly kicked off by Howell of the High school. Cotten of the college team caught up the ball and carried it back ten yards. The ball was then pussed to Fanning and he cut through the line for three yards. Harrington followed with a six-yard dash round right end. When the lines broke apart Thomas was found lying with his face in the dirt. After rehabilitating his lungs with oxygen he resumed his place in the line.

All Hallows then made repeated small gains by quick team work, grad gilly carrying the oval into the territory of the High school, until T. J. Fanning got the ball and made a 25-yard run, getting within the danger line of the High school forward until finally a fumble by the quarterback gave it into the possession of the High school. The High achool had made but four small gains hefore Howell again distinguished himself by a 25-yard dash into the territory of the enemy.

Only a few more small gains were made

Howell again distinguished himself by a 25-yard dash into the territory of the enemy.

Only a few more small gains were made before Burke broke through the High school line, causing the ball to be fumbled and Harrington of the All Hallows team gained possession of it in the mix-up. The ball was hardly put in play before T. J. Fanning made a 25-yard ron and then followed repeated gains until the ball was forced aimost to the High school goal. The High school supperters then gathered to create confusion, but the attempt was ineffectual, and the ball was taken over the line by Harrington.

A goal was kicked and the score stood-High school, II; All Hallows, 6.

Ten minutes were left of the last half and the teams quickly lined up. Howell again made the kick for the High school and Allen carried the ball back up field the yards. A number of small sains were then made and again, Fanning came to the front with a ten-yard end ron. Captain Fanning then gave a signal that failed at the desired resolt, and the quarterback, was left with no one to give the ball to, and before he could recover himself the line was broken and the ball felt into the hands of the High school with a loss to the made repeated small gains until Howell was again entrusted with the oval,

when another 25-yard run quickly followed, and the ball was again in close proximity to the All Hallows' goal. A few galm followed and D. Tarpey placed the ball over the line for a touchdown. A goal was kicked by Howell and the score stood: High school, I? All Hallows, 6. Before the line-up was effected time was called and the crowd plied into the cars for home and dinner.

The new football rules have a few minor changes, among which is in the counting of points. A touchdown formerly counted four and a goal two, making a total of six when the goal was successfully kicked. This year the touchdown counts five and the goal one, thus reducing the premium on kicking.

LEFT YESTERDAY TO JOIN HIS REGIMENT AT MANILA.

Sails From San Francisco On Saturday-Army Orders of Interest to Salt Lakers Issued.

Lieutenant Briant H. Wells left yesterday noon for San Francisco, from which place he will sail tomorrow with the Twenty-third infantry expedition on the steamer Senator for Manila, there to join the Eighteenth regiment, to which he was transferred from the Second after the war in Cuba. Lieutenant Wells distinguished himself for brayery before Santiago, and during the battle he received a builet wound in the leg. His furlough at an end, he finds himself fully recovered from his first taste of war, and bldding adien to family, relatives and friends innumerable, the young military officer responded to duty's call in the far off orient. Utah is proud of Lieutenant Wells. His going to Manila will increase the state's representatives of valorous native sons whose soldierly bearing and gentlemantly conduct have, with their heroic deeds, won enviable fame for themselves and the state. May the god of battles protect them and safely restore them to their loved ones.

ARMY ORDERS. terday noon for San Francisco, from mes.

ARMY ORDERS.

The following orders of local interest have recently been issued by the war department:

Lieutenant Ervin Wardman, an old Salt Laker, has resigned his commission and tomorrow he will receive his honorable discharge from the Two Hundred and Second New York volunters infants.

tionared and Second New Fork volun-teer infantry.

Lieutenant Harrison J. Price of the Twenty-fourth infantry has received an additional ten days' leave of absence from his regiment on account of sick-

ness.
Captain Reuben B. Turner, Sixth infantry, has returned to Fort Thomas, Ken., after an extended furlough on surgeon's certificate of disability.
Lieutenant Littlebrandt of the Swenth cavalry, recently at Fort Duchesne, has been appointed quartermaster.

IN THE SOCIAL REALM.

Mr. W. N. Dinwoodey leaves today for San Francisco. He will remain ten days.

Mr. and Mrs. Charles Post and Mrs

Ar. and ars. Charles Fost and ars. Balley will, next week, take possession of their new home on Third East street.

A reception will be given this evening by the faculty of the Latter-day Saints' college at 223 West First North street. An interesting programme will be given.

Miss Gideon of Chicago was enter-tained the early part of the week by Mr. and Mrs. Charles Burton.

Mr. Rischell of Pittsburg, Pa., is visiting friends in the city. Mr. Rischell was at one time a resident of Salt Lake.

An entertainment will be given this

Kansas City, Mo., Oct. 12.—W. W. Lowe, the self-confessed Missouri Pacific trainrobber, has added to his confession the statement that he also had a hand in the "hold-up" of the Chicago & Alton passenger and mall train at Blue cut on the night of Dec. 23, 1958, and alleges for the notorious John Kennedy led the latter raid. Lowe alleges further that his share of the Alton robbery was \$1,550, and that he spent \$1,700 of it bribling criminal court juries to free Kennedy.

Kennedy was acquitted of the Alton affair after a hard fight to convict him. It is said he will again be arrested and have to stand trial on the charge of stopping the United States mails. At the time of Kennedy's acquittal it was openly charged that the Jury had been bribed.

Lowe's first confession, that on the recent Missouri Pacific robbery, which was today first printed in full, goes into detail in telling of the parts the alleged suspects, including young Jesse James, played in the "hold-up." James' friends' confidence in him remains unshaken.

WEATHER MEN'S CONVENTION. Changes In Signal Service Discussed at Omaha.

Omaha, Oct. 13.—Officials in the service of the United States weather bureau, representing nearly every state and terrifory in the Union, are now in session in this city. Prof. Willis L. Moore, chief of the bureau, is the presiding officer.

A large portion of the time today was taken up in discussing the value of and opportunities for improvement in signal service along the coasts and the great lakes. There appears to be considerable sentiment in favor of changing the flags used in this service, substituting cones, belis, etc., as more resulty seen from a distance, but Prof. Moore held strongly for the flags. Omnba Oct. 13.-Officials in the service

Karl's Clover Root Tea, for Consti-pation it's the Best, and if after using it you don't say so, return the package and get your money. Sold by Nelden-

SAXTON'S WILL FOUND.

Bequeathed His Entire Estate to Mrs. Barber, a Sister.

mates it will foot up \$200,000. The property consists of business blocks in Canton, a number of lots, a large amount of land in Missouri and a big block of mining stock in the west. Canton, O., says the will of George D.
Saxton has been found. It was made last April and was witnessed by James J.
Grant and Oliver E. Schliman. The document bequeathes all his estate to Mrs. M.
C. Barber, sister of deceased, as entalled property. After her death the estate is to be divided among the five children of the beneficiary, George, Mary, John and Ida Barber, Mrs. McKinley, therefore, received nothing. Mrs. Barber is named as executrix, without bond.

The value of the property is not known, but a personal friend of deceased esti-That Joyful Feeling



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